

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:91-00388

SAMUEL A. PHILLIPS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 31, 2009, the United States of America appeared by Steven I. Loew, Assistant United States Attorney, and the defendant, Samuel A. Phillips, appeared in person and by his counsel, Edward H. Weis, Assistant Federal Public Defender, for a hearing on the petition on supervised release submitted by Senior United States Probation Officer John B. Edgar, the defendant having commenced a three-year term of supervised release in this action on March 6, 1996, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on April 13, 1992.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) that the defendant used cocaine as evidenced by positive urine specimens submitted by him on April 5, 18, 25 and 29, 1996; May 3, 6, 9, 14, 16, 20, 24, 28 and 31, 1996; and June 3, 10 and 14, 1996; (2) that the defendant failed to work regularly; (3) that the defendant failed to report to the probation officer as directed on June 17 and 17, 1996; (4) that the defendant failed to inform the probation officer of his real address; (5) that the defendant failed to appear for individual counseling on June 19, 1996; and (6) that the defendant committed the state offenses of attempted murder with a firearm, felonious assault and possession of a weapon under disability as evidenced by his having been found guilty by a jury on October 18, 1996, for which he was sentenced to a total imprisonment term of sixteen years; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of

supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

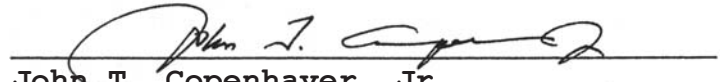
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, on the basis of the original offense, the intervening conduct of the defendant and after considering the factors set forth in 18 U.S.C. § 3553(a), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of TWENTY-EIGHT (28) MONTHS of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant be designated to an institution where he can further his education and participate in college-level courses.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 11, 2009


John T. Copenhaver, Jr.
United States District Judge